IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 5891 of 2007(B)

PETITIONER:

JAMES.P.V., S/O.VARGHESE P.T.,
MINI BHAVAN, AVALOOKUNNU P.O.,
ALAPPUZHA (PEON, HINDU UPPER PRIMARY SCHOOL,
ERMALLIKKARA).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
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1. THE DEPUTY DIRECTOR (EDUCATION),
OFFICE OF THE DEPUTY DIRECTOR, (EDUCATION),
KOTTAYAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
KANJIRAPPALLY.

3. THE CORPORATE MANAGER,
TRAVANCORE DEVASWOM BOARD SCHOOLS/SECRETARY,
TRAVANCORE DEVASWOM BOARD, OFFICE OF THE
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDING,
NANDHANCODE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.K.N.VENUGOPALA PANICKER, SC FOR R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.5891 OF 2007

Dated this the 7th day of March, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner was working as a Full Time Menial. One Smt.P.N.Bindu, H.S.A. (Hindi) availed maternity leave from 26/06/03 to 07/2004. In the said vacancy One.Sri.G.Abhayan, LG.Hindi Teacher was promoted and appointed as H.S.A.(Hindi). In the resultant vacancy of LG Hindi Teacher, petitioner was promoted as LG Hindi Teacher. The said appointment was rejected by Exts.P4 and P5 on the basis that the appointment of Sri.G.Abhayan was not approved. Later as per Ext.P6, the appeal of the manager was allowed and approval of the appointment of the petitioner was directed. It is stated that Ext.P7 evidences that the promotion of Sri.G.Abhayan as H.S.A.(Hindi) during the above period was also approved. Approval of the petitioner was not being affected.

2. A statement is filed by the second respondent. It is inter-alia stated that consequent to the orders issued directing the approval of Sri.G.Abhayan, the appointment of the petitioner in the consequent vacancy has also to be approved. The above approval is pending as the manager has not re-submitted the appointment order and the relevant records for appropriate orders. It is further stated that on re-submission of the documents, the second respondent will issue immediate orders approving the appointment of the petitioner.

3. I heard learned counsel for the petitioner, counsel for the Board and learned Government Pleader also.

4. Learned counsel for the third respondent would in fact submits that papers relating to the approval of the appointment of the petitioner had already been submitted. If it is already been submitted, orders as stated in the statement will be passed within a period of two weeks from the date of receipt of a copy of this judgment by the second respondent. In case, it has not been

submitted by the manager as of today, there will be a direction to the third respondent to re-submit the application as contemplated in the statement before the second respondent within two weeks from today and the second respondent shall pass appropriate orders on receipt thereof within a period of two weeks. The amounts due to the petitioner will be paid without any further delay upon orders of approval being passed by the second respondent.

The writ petition is disposed of as above.

K.M.JOSEPH
JUDGE

sv.